

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEMAIN DOMINGUEZ

a/k/a

DEMIAN DOMINGUEZ,

Petitioner,

vs.

BRIAN E. WILLIAMS, *et al.*

Respondents

2:12-cv-01608-JCM-PAL

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Petitioner has paid the \$5.00 filing fee for this action. The court has reviewed the petition and its attachments. The court must appoint counsel where the complexities of the case are such that denial of counsel would amount to a denial of due process, *Brown v. United States*, 623 F.2d 54, 61 (9th Cir. 1980), and where the petitioner is a person of such limited education as to be incapable of presenting his claims in such a way that the court can afford him a fair hearing, *Hawkins v. Bennet*, 423 F.2d 948 (8th Cir. 1970). In the instant case, the petition submitted in this action includes

1 several claims, the contents of which suggest that it may be a relatively complex action. In the
2 interests of justice, the court grants counsel to represent petitioner in this action.

3 Therefore, the Federal Public Defender for the District of Nevada (FPD) shall be appointed to
4 represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other
5 reason, then alternate counsel for petitioner shall be located, and the court will enter a separate order
6 appointing such alternate counsel. In either case, counsel will represent petitioner in all future
7 federal proceedings relating to this matter (including subsequent actions) and appeals therefrom,
8 unless allowed to withdraw.

9 **IT IS THEREFORE ORDERED** that the Office of the Federal Public Defender is
10 appointed to represent petitioner.

11 **IT IS FURTHER ORDERED** that the clerk of court **SHALL ELECTRONICALLY**
12 **SERVE** the Federal Public Defender for the District of Nevada (FPD) a copy of this order, together
13 with a copy of the petition for writ of habeas corpus and its attachments. (ECF No. 1). The FPD
14 shall have **thirty (30) days** from the date of entry of this order to undertake direct representation of
15 petitioner or to indicate to the court its inability to represent petitioner in these proceedings.

16 **IT IS FURTHER ORDERED** that the clerk of court **SHALL SEND** a copy of this order to
17 the CJA coordinator.

18 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the
19 court will issue a scheduling order, which will, among other things, set a deadline for the filing of a
20 an amended petition.

21 **IT IS ORDERED**, so that the respondents may be electronically served with the amended
22 petition and any exhibits filed through counsel, that the clerk of court shall serve respondents with a
23 copy of this order by certified mail to the Office of the Attorney General, Criminal Division, 100
24 North Carson St., Carson City, NV 89701-4717. Respondents' counsel shall enter a notice of
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1 appearance herein within **twenty (20) days** of entry of this order, but no further response shall be
2 required from respondents until further order of this court.

3 Dated February 1, 2013.

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6 UNITED STATES DISTRICT JUDGE

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